

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2013 OCT 30 PM 2:10

IN THE MATTER OF THE SEARCH OF:

APPLICATION AND AFFIDAVIT FOR
SEARCH WARRANT

DEPUTY CLERK

1. One Sanyo/Kyocera Boost Mobile Cellular
Telephone Bearing FCC ID # V65SCP-6780

2. One Samsung Boost Mobile Cellular
Telephone Bearing FCC ID # A3LSPHM260

3. One ZTE Boost Mobile Cellular Telephone
Bearing FCC ID # ZTEN861

4. One Samsung T-Mobile Cellular Telephone
Bearing FCC ID # A3LSGHT139

5. One Apple I Phone 4 Cellular Telephone
Bearing FCC ID # BCGE2422A

CASE NUMBER: 2:13-MJ- 88

I, Brett Harbert, being duly sworn depose and say:

I am a Task Force Officer with the United States Drug Enforcement Administration, Amarillo, Texas, and I have reason to believe that in the each of the five cellular telephones described in Numbers 1 through 5 in the heading of this Application; each of the five above described cellular telephones having been seized by the Drug Enforcement Administration incident to an arrest in Carson County, Texas, on September 19, 2013, and now located in the Amarillo Division of the Northern District of Texas, there is now concealed a certain property namely:

electronically stored data, including but not limited to: names, telephone numbers, photographs, voice mails, and text messages

which said property constitutes evidence of commission of criminal offenses; in violation of 21 U.S.C. §§ 841 and 846.

The facts to support a finding of Probable Cause are as follows:

SEE AFFIDAVIT, ATTACHED HERETO AND MADE A PART HEREOF

Continued on the attached sheet and made a part hereof. /x/ Yes /_/ No


Brett Harbert, Task Force Officer, DEA
Signature of Affiant

SWORN TO BEFORE ME, AND SUBSCRIBED IN MY PRESENCE

October 30, 2013
Date

Amarillo, Texas
City and State

CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT FOR SEARCH WARRANT

2:13-MJ-88

Your affiant, Brett Harbert is a Task Force Officer with the United States Drug Enforcement Administration, presently assigned to the Amarillo Provisional Task Force Group, and as such is a Federal Law Enforcement Officer.

Your Affiant is familiar with the below described facts and circumstances based upon conversations with fellow law enforcement officers, the interviews of suspects, reports and personal experience.

On September 19, 2013, at approximately 1:21 p.m., Texas Department of Public Safety Trooper Danny Nunez stopped an eastbound 2014 Chevrolet Cruze on I-40 in Carson County, Texas, after it was clocked by radar traveling 78 miles per hour in a zone where the posted speed limit was 75 miles per hour. The vehicle displayed California registration 7BLT064. It was later learned that the Chevrolet was rental vehicle.

The driver of the vehicle was identified as Victor Torres Serano, by his Florida Driver License. Accompanying Serano was Ivan A. Gonzalez-Revola, who produced a Louisiana Driver License. Upon initially approaching Gonzalez-Revola as Gonzalez-Revola was seated in the passenger seat of the Chevrolet, Trooper Nunez observed Revola-Gonzalez attempting to open the back of a cell phone. Trooper Nunez believed that Revola-Gonzalez was attempting to remove the SIM card from the phone so the data in the phone could not be accessed by law enforcement. At that time, Nunez observed three additional cell phones located in the open glovebox. After speaking with both Serano and Gonzalez-Revola, Trooper Nunez noticed numerous indicators of criminal activity.

Trooper Nunez asked both Serrano and Gonzalez-Revola for consent to search the vehicle and received consent to search the vehicle from both. Upon searching the trunk of the vehicle, Trooper Nunez and other troopers who had arrived at the scene to assist, noticed fresh tool markings on screws holding a panel in place. The panel was accessed and five cellophane wrapped bundles were removed from the compartment. The bundles contained a substance which field tested positive for heroin. Trooper Nunez then placed Serrano and Revola-Gonzalez under arrest for heroin possession. Incident to the search of the Chevrolet and the persons of Serrano and Revola-Gonzalez, five cell phones were seized. Serrano verbally claimed three of the phones; those were; a black Sanyo/Kyocera Boost Mobile bearing Federal Communications Commission (FCC) identification number (ID) V65SCP-6780, a black

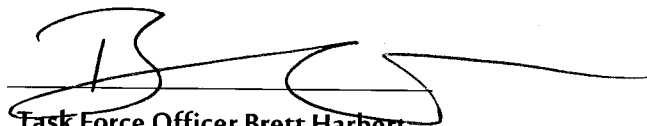
Samsung Boost Mobile bearing FCC ID number A3LSPHM260, and a black ZTE Boost Mobile bearing FCC ID number ZTEN861. Revola-Gonzalez claimed two of the cell phones, those were; a black Samsung T-Mobile bearing FCC ID number ASLSGHT139, and a black Apple I Phone 4 bearing FCC ID number BCGE2422A. The five phones are now located at the DEA headquarter, in the Amarillo Division of the Northern District of Texas.

As a result of the seizure of the heroin, a Federal indictment was returned in the Amarillo Division of the Northern District of Texas charging Serrano and Revola- Gonzalez with Conspiracy to Possess with Intent to Distribute Heroin and Possession with Intent to Distribute Heroin.

It is widely known that in order for drug traffickers to accomplish the sale, purchase and distribution of drugs, communication is essential. It is most common for the traffickers, their transporters, distributors and customers to communicate via cellular telephones, pagers and through the internet since they are constantly on the move and must stay in contact with their employees and customers. Traffickers normally prefer cellular telephones, pagers and the internet because a normal land line telephone restricts their movement and they fear that law enforcement authorities are possibly monitoring their land line telephones. Traffickers also fear that by using land-line telephones, law enforcement authorities would be able to locate their residences, businesses and other locations being utilize to store shipments of drugs and currency.

It is also quite common for the traffickers to store names and telephone numbers of their sources, transporters, distributors and customers in their cellular telephones. This allows the traffickers to retain many telephone numbers and the ability to quickly access the desired number. Many of the newer cellular telephones are equipped with a built in camera and provides for the storage of visual images within the cellular telephone. Investigative efforts have shown that traffickers will photograph themselves, their money and/or drugs and store the images in their cellular telephone. Based upon his experience and training, your Affiant believes that probable cause exists that data; to include names, telephone numbers, times and dates of calls, photographs, voice mails, text messages and other information, electronically stored inside the cellular telephones, will identify other members of this organization. Your Affiant is requesting that this search and seizure warrant be granted so that the five cell phones can be seized and the stored information, as described above, can be retrieved and used

as evidence in this investigation. Your Affiant believes that by retrieving the information stored inside the cellular telephones, the source(s) of supply and/or the recipient(s) for the drug shipment will be identified and further this investigation.



Task Force Officer Brett Harbert

Drug Enforcement Administration

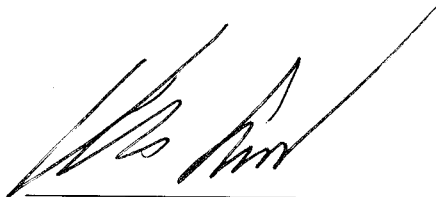
Affiant

Subscribed and sworn to before me this 30th day of October 2013.



CLINTON E. AVERITTE

UNITED STATES MAGISTRATE JUDGE



Vicki Lamberson

Assistant United States Attorney